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AMEMBASSY OTTAWA PASS TO AMCONSUL QUEBEC
AMEMBASSY OTTAWA PASS TO APP WINNIPEG

E.O. 12958: DECL: 2020/02/04
TAGS: [MOPS](#) [MARR](#) [PREL](#) [EAID](#) [AF](#) [CA](#)
SUBJECT: Ottawa Proposes Only Minor Changes in MOU on Life Support

REF: 10 KABUL 437; 09 OTTAWA 889; 10 OTTAWA 005

CLASSIFIED BY: Scott Bellard, Minister Counselor, Department of
State, Political Section; REASON: 1.4(B), (D)

11. (SBU) Summary. The Department of Foreign Affairs and International Trade (DFAIT) has concluded that the draft MOU for life support for U.S. civilians deployed to non-U.S. PRTs cannot be between two embassies and must be non-binding. Either DFAIT or the Department of National Defence would be the likely signatory. The Canadian Embassy in Kabul will be the implementing agent and now has the latest draft. End Summary.

No Substantive Changes

12. (C/NF) Following receipt of ref a, pol/miloff on February 4 spoke with Jamie Pennell, Bilateral Relations Officer in the Bilateral and Operations Division of DFAIT's Afghanistan Task Force about the status of the draft MOU for life support for U.S. civilians deployed to non-U.S. PRTs. Pennell confirmed that the government's review of the draft MOU was complete and DFAIT had returned it to the Canadian Embassy in Kabul shortly after our January 7 discussion of the status of the agreement (ref c). He characterized the changes proposed following the accompanying legal review as "technicalities," which would not alter the substance of the document.

The Agreement Cannot be Between Embassies

13. (C/NF) DFAIT lawyers concluded that there was no basis under which to subscribe to an agreement between embassies. They recast the agreement as one with a Canadian Government Department as signatory party, while delegating to the embassy in Kabul the authority to act as implementing agent. He did not specify Canadian views on who should/could sign on the U.S. side.

The MOU is Non-Binding in Nature

14. (C/NF) The lawyers also inserted language that made clear the

non-binding nature of this MOU. The Canadian military will make its best efforts to provide U.S. civilians the security and mobility specified in the agreement; however, operational contingencies or other limitations might arise that would not permit full compliance.

DFAIT or National Defence to Sign?

15. (C/NF) According to Pennell, the remaining unresolved question in Ottawa was whether the signatory Canadian Department will be DFAIT or the Department of National Defence (DND), since the assets in questions are military. He could not specify who would make this determination or when.

Status Canadian Civilians in 2011

16. (C/NF) Pennell declined to be drawn-out in amplification of his earlier comments that Canada might end up reversing this MOU process in 2011 in order to seek security and mobility from other RC-S Troop Contributing Nations for Canadian civilians remaining on the ground after the departure of Canadian military forces.
JACOBSON